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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/295,577 04/22/99 HALAVAIS

R

EXAMINER

TM11/1022

THOMAS M. COESTER, ESQ.  
BLAKELY, SOKOLOFF, TAYOR & ZAFMAN  
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LOS ANGELES CA 90025

HAFIZ, T

ART UNIT

PAPER NUMBER

2166

DATE MAILED:

10/22/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/295,577 04/22/99 HALAVAIS

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EXAMINER

TM02/0626

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PAPER NUMBER

2166

DATE MAILED:

06/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/295,577

Applicant(s)

HALAVAIS ET AL.

Examiner

Leslie K. Nguyen

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6, 11, 16, 17, and 24-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11, 16, 17, and 24-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 1999 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

***Detailed Action***

1. Acknowledgement is made of the amendment filed 16 April 2001. The amendment of claims 1 and 17 has been considered.
2. Claims 1-6, 11, 16, 17, and 24-34 have been re-examined and are pending in the application.
3. The disclosure is objected to because of the following informalities: The claims do not commence on separate sheet. Appropriate correction is required.
4. Claims 6, 11, 16, and 17 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1 and 17 have been amended, and sufficient antecedent basis is provided for claims 6, 11, 16, and 17. The Examiner withdraws the rejection of claims 6, 11, 16, and 17 under 35 U.S.C. § 112, second paragraph.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6, 11, 16, 17, 24, 26, 27, 29, 30, 31, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huegel in U.S. Pat. No. 5,239,480. The Examiner maintains the

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rejection based on the reasoning provided in the previous office action. Applicants' arguments filed 16 April 2001 have been fully considered but they are not persuasive.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huegel in U.S. Pat. No. 5,239,480 as applied to claim 24 above, and further in view of Merrill et al. in U.S. Pat. No. 5,333,257. The Examiner maintains the rejection based on the reasoning provided in the previous office action. Applicants' arguments filed 16 April 2001 have been fully considered but they are not persuasive.

6. Claims 28, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huegel in U.S. Pat. No. 5,239,480, Merrill et al. in U.S. Pat. No. 5,333,257, and Bricklin in U.S. Pat. No. 5,621,430. The Examiner maintains the rejection based on the reasoning provided in the previous office action. Applicants' arguments filed 16 April 2001 have been fully considered but they are not persuasive.

#### ***Remarks***

7. Applicants claim that the Examiner failed to set forth a prima facie case of obviousness (page 3). Applicants further claim that the "problems and requirements where no dedicated hardware or software exists on the client end are very different from the environment of Huegel in which the entire client is dedicated," and thus, "offers no meaningful teaching for an environment as claimed" (page 3 and 4). Applicants' challenge that the Examiner's taking of Official Notice is "insufficient to carry the burden imposed by the law and patent practice which both require applicant be given specific reference, the applicability and veracity of which may be addressed" (page 4). The Examiner directs Applicants' attention to the previous office action

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where a specific reference is given (checking the balance of a savings account via an on-line banking web site instead of at an automated teller machine) on page 4 of said office action. The Examiner further directs Applicants' attention to the provided applicability and veracity of which the specific reference may be addressed (the reduced limitation on end users to the locality of the self-service terminal) also on page 4 of said office action. Since such teaching is so well known in the art (which was not challenged by Applicants), it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the services of the invention of Huegel to end users on either a self-service terminal or a client node unaffiliated with a server. Although the Applicants' statement that "problems and requirements where no dedicated hardware or software exists on the client end are very different from the environment of Huegel in which the entire client is dedicated" (page 3) is not false, the argument based on such statement is moot considering what is well known in the art and the level of skill of one of ordinary skill in the art.

8. Applicants' claim that a patentable distinction over Huegel is the step of "providing the user the ability to indicate a seat of choice or display and aid in delivering a best then available space conforming to the needs of an end user" (page 4). The ability to select a seat of choice based upon the needs of an end user and remaining availability is well known in the art (choosing between an aisle seat in first class and an aisle seat in coach on a commercial airline flight). Huegel already provides for seating in the best available seating area (motivation to combine). As before, the ability to select a seat of choice based upon the needs of an end user and remaining availability is so well known in the art that it would have been obvious to one of ordinary skill in the art to modify the invention of Huegel according to the well-known teaching.

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Thus, end users are provided with specific seat selections to accommodate for personal wants or needs.

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie K. Nguyen whose telephone number is 703-306-5540. The examiner can normally be reached on Monday-Friday, 10:00 AM - 6:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-9051 for regular communications and 703-308-9051 for After Final communications.



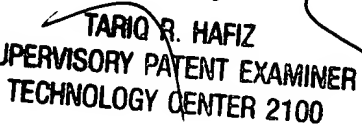
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Leslie K. Nguyen  
June 25, 2001



TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100